The Planning Inspectorate

Costs Decision

Site visit made on 7 May 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Costs application in relation to Appeal Ref: APP/X4725/D/21/3269061
29 Thistle Drive, Upton, Pontefract WF9 1NQ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Dale Cooper for a full award of costs against City of Wakefield Metropolitan District Council.
- The appeal was against the refusal of planning permission for a double storey rear extension.

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. It is the Applicant's case that the conduct of the Council resulted in the appeal or a more complex appeal than might otherwise have been the case, prevented or delayed a development that should clearly be permitted and did not determine the appeal scheme in a manner consistent with similar cases.

4. In correspondence submitted by the applicant, the Council reasonably articulated concern regarding the scale and size of the extension and the resultant loss of garden space. That the Council did not specify a size and scale of extension that would be accepted does not amount to unreasonable behaviour on the part of the Council.

5. In determining the appeal harm was found in respect of the living conditions of future occupiers as a result of the loss of garden space due to the size and scale of the proposed extension. Consequently, the appeal scheme is not a development that should clearly be permitted.

6. I have reviewed the similar cases referred to by the applicant and I do not find any inconsistency in the Council's reasoning or decision making.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Mark Brooker INSPECTOR